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Global Issues

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5/6/09

*Which major court cases in the United States define copyright?*

Both lawyers and Supreme Court justices throughout our judicial system have furthered our country’s definition of copyright. By asking the question, “what is fair use”, Supreme Court cases like *Sony Corp. of America v. Universal City Studios*, *Campbell v. Acuff-Rose Music*, and other Appellate Court cases have been able to tackle what copyright stands for in our society.

The Supreme Court case, *Sony Corp. of America v. Universal City Studios*, established that there “has to be a balance between a copyright holder's demand for effective - not merely symbolic - protection of the statutory monopoly and the rights of others freely to engage in substantially unrelated areas of commerce” (Majority Opinion, Justice Blackmun). This ‘balance’ would permit the creation of replication products so long as “it merely [is] capable of substantial noninfringing uses”. This case, in reference to a VHS recorder, was completed in 1984 and is still a precedent today. Thanks to this defining copyright case, Peer-to-Peer programs like Limewire aren’t infringing copyrights themselves and can defend their existence so long as they don’t actively promote copyright infringement.

Next, *Campbell v. Acuff-Rose Music* was a Supreme Court case that laid the precedent for how money plays into a copyright case. If money is being made from the original work, yet the work is “transformative”, or somewhat altered, is that copyright infringement? In a unanimous decision, the Supreme Court determined that a profit does not always result in copyright infringement. In fact, a precedent for the analysis of copyright was established, “look to the nature and objects of the selections made, the quantity and value of the materials used, and the degree in which the use may prejudice the sale, or diminish the profits, or supersede the objects, of the original work” (Majority Opinion, Justice Souter). Although vague, the analysis gives our society a better definition of fair use pertaining to copyright, provided no one gets close enough to cross the legal boundary.

According to the U.S Copyright Office, copyright gives the owner, “…the right to reproduce or to authorize others to reproduce the work in copies or phonorecords.” The key is others getting authorization to reproduce the work. Is authorization needed if a person’s work is “transformative” or “derivative”? The answer is revealed as the Appellate Courts create precedents. For example, in the 2006 *Wall Data Inc. v. Los Angeles County Sheriff’s Department* , the L.A. Sheriff’s Department installed a program of the company Wall Data’s on twice the number of computers they bought a license for. Although no money was made from this, the L.A. Sheriff’s Department violated copyright because their actions were derivative and commercial in nature. In 1996, *Dr. Seuss Enterprises, L.P. v. Penguin Books USA, Inc.* mirrored the Appellate Court’s decision creating a pattern. By copying Dr. Suess’ writing style, the defendant had not been original enough while collecting a profit.

Although the line between derivative and transformative is vague, patterns have developed from cases in our society. These patterns have given the U.S Copyright Office four guidelines to determining what fair use is and the original copyright’s strength:

“The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes; the nature of the copyrighted work; amount and substantiality of the portion used in relation to the copyrighted work as a whole; and the effect of the use upon the potential market for or value of the copyrighted work” (Title 17, U.S Code).

These guidelines, Appellate Court cases, and the Supreme Court cases established a pattern and contributed to the definition of copyright in our society. As consumers, copyright must be regarded carefully in order to steer clear of infringement and by paying close attention to the precedents set before us all.

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